

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

PRIME TRADING COMPANY, INC.,)
v.)
Plaintiff,) Case No. 08 C 154
R.J. O'BRIEN & ASSOCIATES, INC., an) Judge Kennelly
Illinois Corporation,) Magistrate Judge Ashman
Defendant.)

**DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF CAN BE GRANTED**

COMES NOW the Defendant, R.J. O'Brien & Associates, LLC ("RJO") incorrectly sued as R.J. O'Brien & Associates, Inc, by and through its attorneys, and respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the Amended Complaint for Damages and Demand for Jury Trial ("Amended Complaint") because all six claims in the Amended Complaint fail to state a claim upon which relief can be granted.

In further support of this motion, RJO has filed herewith its supporting brief.

WHEREFORE, Defendant R.J. O'Brien & Associates, LLC ("RJO") by and through its attorneys respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss all six claims with prejudice in the Amended Complaint for failure to state a claim upon which relief can be granted.

Dated: June 12, 2008

Respectfully Submitted,

R.J. O'Brien & Associates, LLC

BY: s/ Doressia L. Hutton

One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 12, 2008, I caused a copy of Defendant's Motion to Dismiss Failure to State a Claim Upon Which Relief Can Be Granted to be served by electronic filing, upon the following:

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